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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

July 2007 Grand Jury

'08 CR 1797 — JLS

UNITED STATES OF AMERICA,	)	Criminal Case No. _____
)	
Plaintiff,	)	<u>I N D I C T M E N T</u>
)	
v.	)	Title 21, U.S.C., Secs. 952, 960,
	)	and 963 - Conspiracy to Import
LUIS FRANCISCO ALARID,	)	Marijuana; Title 18, U.S.C.,
	)	Sec. 371 - Conspiracy; Title 8,
Defendant.	)	U.S.C., Sec. 1324(a)(2)(B)(ii) -
	)	Bringing in Illegal Aliens for
	)	Financial Gain; Title 18, U.S.C.,
	)	Sec. 2 - Aiding and Abetting;
	)	Title 18, U.S.C.,
	)	Sec. 201(b)(2)(C) - Bribery;
	)	Title 8, U.S.C., Sec. 1324(b),
	)	Title 18, U.S.C., Sec. 982(a)(6),
	)	and Title 21, U.S.C., Sec. 853 -
	)	Criminal Forfeiture

The grand jury charges:

Count 1

1. Beginning on a date unknown and continuing up to May 16, 2008, within the Southern District of California and elsewhere, defendant LUIS FRANCISCO ALARID, did knowingly and intentionally conspire with other persons known and unknown to the grand jury to import 100 kilograms and more of a mixture and substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952, 960, and 963.

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Count 2

2. OBJECT OF THE CONSPIRACY

Beginning on a date unknown and continuing up to May 16, 2008, within the Southern District of California and elsewhere, defendant LUIS FRANCISCO ALARID, did knowingly and intentionally conspire with other persons known and unknown to the grand jury to commit an offense against the United States, to wit: to bring to the United States for the purpose of private financial gain, aliens, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter, and reside in the United States, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

3. MANNER AND MEANS

The objects of the conspiracy were to be accomplished, in substance, as follows:

a. Co-conspirators known and unknown to the grand jury would agree to smuggle illegal aliens from Mexico to the United States for a fee.

b. Co-conspirators known and unknown to the grand jury would send vehicles loaded with illegal aliens to the Otay Mesa Port of Entry.

c. Defendant ALARID, a Customs and Border Protection officer with the Department of Homeland Security, would receive and accept at least \$200,000 in return for admitting the vehicles loaded with illegal aliens into the United States.

d. Defendant ALARID would admit the vehicles loaded with illegal aliens into the United States.

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1 4. OVERT ACTS

2 In furtherance of the conspiracy and to effect and accomplish the
3 objects thereof, the following overt acts, among others, were
4 committed within the Southern District of California and elsewhere:

5 a. On or about February 14, 2008, defendant ALARID
6 admitted a van containing approximately 10 illegal aliens into the
7 United States.

8 b. On or about March 6, 2008, defendant ALARID admitted
9 a van containing illegal aliens into the United States.

10 c. On or about March 6, 2008, defendant ALARID admitted
11 a red Ford Windstar van containing illegal aliens into the United
12 States.

13 d. On or about March 13, 2008, defendant ALARID admitted
14 a minivan containing approximately 18 illegal aliens into the United
15 States.

16 e. On or about April 4, 2008, co-conspirators sent a
17 Nissan Pathfinder containing at least nine illegal aliens to the Otay
18 Mesa Port of Entry.

19 f. On or about April 4, 2008, shortly after defendant
20 ALARID rotated out of the Nissan Pathfinder's lane, the driver and
21 another occupant of the Pathfinder fled from the vehicle and ran back
22 to Mexico to avoid arrest.

23 g. On or about May 3, 2008, defendant ALARID admitted four
24 vehicles containing illegal aliens into the United States.

25 h. On or about May 16, 2008, defendant ALARID admitted and
26 attempted to admit vehicles containing illegal aliens into the United
27 States.

28 All in violation of Title 18, United States Code, Section 371.

Counts 3-5

5. On or about the dates set forth below, within the Southern District of California, defendant LUIS FRANCISCO ALARID, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, the person set forth below, had not received prior official authorization to come to, enter, and reside in the United States, did bring to the United States said alien for the purpose of private financial gain:

<u>Count</u>	<u>Date</u>	<u>Alien</u>
3	March 13, 2008	Jodali Isabel Hernandez-Maldonado
4	March 13, 2008	Marisela Cruz-Lozano
5	May 3, 2008	Noemi Lopez-Medina

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

Count 6

6. Paragraphs 3-4 are realleged and incorporated by reference herein.

7. From a date unknown to on or about May 16, 2008, within the Southern District of California, defendant LUIS FRANCISCO ALARID, a public official, directly and indirectly did corruptly receive, accept, and agree to receive and accept something of value, in return for being induced to do an act in violation of his official duty; all in violation of Title 18, United States Code, Section 201(b)(2)(C).

FORFEITURE ALLEGATION

The allegations contained in Count 1 are realleged and by reference are fully incorporated herein to allege forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

1 As a result of the commission of the felony offense alleged in
2 Count 1, a violation punishable by imprisonment for more than one
3 year, and pursuant to Title 21, United States Code, Section 853(a)(1),
4 defendants shall, upon conviction, forfeit to the United States all
5 their rights, title, and interest in all property constituting, and
6 derived from, any proceeds the defendants obtained, directly or
7 indirectly, as the result of the commission of the violation alleged
8 in Count 1 of this indictment, including, but not limited to, the
9 following:

- 10 (a) a sum of money totaling \$200,000;
- 11 (b) \$175,625 in U.S. currency;
- 12 (c) \$404 in U.S. currency;
- 13 (d) one Sony KDL-40XBR4 40" television;
- 14 (e) one Sony KDL-52XBR4 52" television;
- 15 (f) two Sony BDP-S300 Blu-ray players; and
- 16 (g) one Sony PCG-8112L Vaio laptop computer.

17 The allegations contained in Counts 2-5 are realleged and by
18 reference are fully incorporated herein to allege forfeiture to the
19 United States of America pursuant to the provisions of Title 8,
20 United States Code, Section 1324(b), and Title 18, United States Code,
21 Section 982(a)(6)(A).

22 As a result of the commission of the felony offenses alleged in
23 counts 2-5, violations punishable by imprisonment for more than one
24 year, and pursuant to Title 8, United States Code, Section 1324(b),
25 and Title 18, United States Code, Section 982(a)(6), defendant shall,
26 upon conviction, forfeit to the United States all property real or
27 personal that constitutes, or is derived from or is traceable to, the

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1 proceeds obtained directly or indirectly from the commission of the
2 offense, including, but not limited to, the property set forth above.

3 If any of the forfeitable property referred to above, as a result
4 of any act or omission of the defendant,

5 (a) cannot be located upon the existence of due diligence;

6 (b) has been transferred or sold to or deposited with a third
7 person;

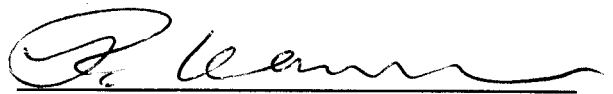
8 (c) has been placed beyond the jurisdiction of the Court;

9 (d) has been substantially diminished in value; or

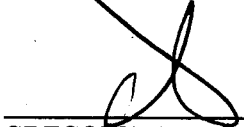
10 (e) has been commingled with other property which cannot be
11 subdivided without difficulty, it is the intent of the United States,
12 pursuant to Title 21, United States Code, Section 853(p), to seek
13 forfeiture of any other property of the defendant up to the value of
14 the above forfeited property.

15 DATED: June 3, 2008.

16 A TRUE BILL:

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18 
19 Foreperson

20 THOMAS P. O'BRIEN
21 United States Attorney

22 By: 
23 GREGORY W. STAPLES
24 Special Asst. to U.S. Attorney General
25 Central District of California
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